



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 28, 2000

The Honorable Adam Smith
U.S. House of Representatives
116 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter regarding the Commission's initiative to facilitate development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other things, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive local telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern about the level of choice available to residential and commercial building tenants across the nation because of restrictions on access to telecommunications carriers potentially imposed by landlords and building owners.

The *NPRM* represents one step in the Commission's ongoing efforts to foster competition in local telecommunications markets pursuant to Congress' directive in the Telecommunications Act of 1996. These efforts are intended to bring the benefits of competition, choice, and advanced services to all consumers of telecommunications, including both businesses and residential customers, regardless of where they live or whether they own or rent their premises. In particular, this item addresses issues that bear specifically on the availability of facilities-based telecommunications competition to customers in multiple tenant environments, including, for example, apartment buildings, office buildings, office parks, shopping centers, and manufactured housing communities.

The Commission has not yet reached any conclusions regarding the matters discussed in the *NPRM*. The Commission is currently reviewing over 1000 comments that were filed in response to the *NPRM* and a related *Notice of Inquiry* by telecommunications companies, electric utilities, building owners, and State and local governments. Based on that record, the Commission will consider carefully whether building owners are exacting monopoly power and what regulations, if any, are appropriate.

I appreciate your interest and participation in this proceeding. We have placed your letter in the record of this proceeding and will give it full consideration along with all other comments. Please let me know if I can be of further assistance.

Sincerely,

William E. Kennard
Chairman

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June 13, 2000

The Honorable William E. Kennard
Chairman,
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Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Dear Mr. Chairman:

I am writing to express my concern that residential and commercial building tenants in my district and across the nation are not able to choose their telecommunications carriers because of restrictions imposed by their landlords. The Telecommunications Act of 1996 was designed to remove the remaining barriers to competition nationwide. Although competitors are entering markets across the country and laws perpetuating incumbent monopolization of telecommunications markets have been eliminated, a substantial number of American families and businesses still are not receiving the benefits of telecommunications competition. It is of significant concern that the efforts of competitive carriers and this Congress could be and are being preempted by the actions of some building owners.

Congress and the FCC have demonstrated their strong commitment to implementing local telephone competition and realization of that goal is threatened by unreasonable or discriminatory access restrictions. However, the consequences of unreasonable building access restrictions are not limited to the issue of who provides the basic dial tone; they affect a far broader economic and social concern.

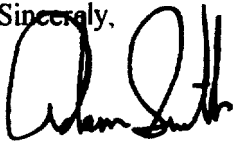
The Internet is playing an increasingly important role in the daily lives of Americans. It has the potential to increase the civic participation of Americans and to enable mom-and-pop operations to advertise and distribute their goods or services globally at very little expense. In my public statements, I have remarked on the unique ability of the Internet to empower consumers and to increase knowledge. I have emphasized the need to provide greater access and thereby greater opportunity through policies designed to promote greater access for all Americans to the high-speed Internet hookups and sufficient bandwidth that are necessary to allow the Internet to play a meaningful role.

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These facilities and services are being offered today by telecommunications carriers that were organized as a result of the Telecommunications Act of 1996. However, their widespread affordable availability is threatened by restrictions on competitive carrier access to consumers in multi-tenant buildings. These effects are particularly harmful to families and small businesses with limited budgets that foreclose self-corrective action or who otherwise might be left behind as the rest of the country moves forward in the digital age. If implemented, the pro-access actions and policies being considered in the FCC's *Competitive Networks* rulemaking have the potential to narrow the digital divide.

I sincerely hope the FCC will use its authority to ensure that all tenants in multi-tenant buildings have access to their carrier of choice through the implementation of nondiscriminatory telecommunications carrier access requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Smith", written over a horizontal line.

Adam Smith
Member of Congress